

REMARKS

The Office Action dated December 22, 2005 has been read and carefully considered and the present amendment submitted in order to better distinguish the present invention over the cited references.

In that Office Action, claims 1-3 and 6-8 were rejected under 35 U.S.C. 102(b) as being anticipated by Frank *et al*, US 2002/011498311. Claims 4, 5 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Frank *et al* in view of Negishi, U.S. Patent 6,165,633. Claims 10 -17 have been withdrawn due to an election by Applicant in response to a restriction requirement.

As such, claim 1 has been amended to positively include the feature of the affixation means on the transport cart that enables that transport cart of the present invention to be affixed to the patient care apparatus such that the two pieces of apparatus can be moved together, with the transport cart providing the power to operate the patient care apparatus and its associated equipment during transit of the patient.

As is clear from the language, the claims are all directed toward a transport cart that is used to move a patient care apparatus from one location to another while a patient is supported on that patient care apparatus. The purpose of the present invention is, therefore, to have a source of electrical power incorporated into that transport cart so that there is no cessation of service to the patient during the transport. The present invention is directed to a specific piece of apparatus and which is necessarily affixed to a patient care apparatus. It is considered unique to employ a fuel cell in such an environment and is a very advantageous to have the convenient source of power that can make the patient care apparatus self sufficient during the transportation of a patient.

The Frank *et al* reference is directed to a portable fuel cell generator that is constructed as a movable unit but is not affixable to any other piece of apparatus and the illustrated use is for supplying power to a computer. While the generator has wheels and can be moved, there is no disclosure or suggestion that the generator can be affixed to the

table on which the computer is supported so that the two apparatuses can move together while supplying power from the generator to the computer. There is no way to affix the portable fuel cell generator to the computer table to move together as with the present invention nor is there any reason in Frank *et al* to have that feature.

In the particular environment where the present invention is used, it is often necessary to move a patient while contained within or supported by a patient care apparatus and that patient care apparatus requires electrical power to operate itself as well as to operate the various monitors that are continually assessing the condition of the patient. The time period that the patient is, therefore, in transit is important to continue with the care to the patient and the monitoring for the benefit of the patient. Thus, with the present invention, the patient can remain within the particular patient care apparatus and not need to be transferred to some other transit apparatus during the move of that patient, and yet the patient can still receive the continual care and monitoring during the move powered by the source of electrical power supplied by a fuel cell incorporated into the transport cart of the present invention.

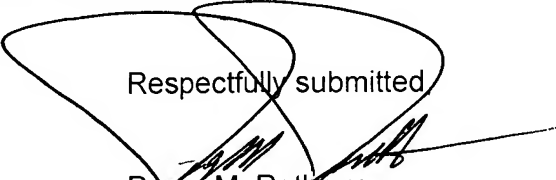
Thus, with the present invention, the transport cart is adapted to be attached to a patient care apparatus by means of an affixation means so as to move with that apparatus while supplying power as the patient is residing in the patient care apparatus and is being treated and monitored. There is no suggestion of such a transport cart apparatus or even a suggestion of such an apparatus in the Frank *et al* reference.

The secondary reference of Negishi has also been reviewed but it does not appear relevant to the patenting of the newly amended claim 1.

As such it is believed that the claims, as now presented, are in condition for allowance and an allowance of the present application is respectfully solicited.

13 Margarita Court  
Hilton Head Island, SC 29926  
(843) 682-23501

Respectfully submitted

  
Roger M. Rathbun,  
Regn. No. 24,964  
Attorney for Applicants